

**UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA CIRCUIT**

GUNDERSON RAIL SERVICES, LLC  
d/b/a GREENBRIER RAIL SERVICES,

Petitioner,

v.

NATIONAL LABOR RELATIONS  
BOARD,

Respondent.

**Case No. 16-1232**

**PETITIONER’S UNOPPOSED MOTION FOR EXTENSION OF THE  
BRIEFING SCHEDULE TO ACCOMMODATE COMPLIANCE WITH  
SETTLEMENT AGREEMENT**

Pursuant to Federal Rule of Appellate Procedure 27 and Rule 28(e) of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit, Petitioner Gunderson Rail Services, LLC d/b/a Greenbrier Rail Services (“Petitioner”), hereby requests that the Court extend the Scheduling Order to accommodate the Parties’ settlement efforts and compliance with the settlement agreement. Counsel for Petitioner has conferred with counsel of record for Respondent National Labor Relations Board, Amy Ginn, who has consented to the relief sought herein. Assigned Mediator Stephen Saltzburg concurs with this request. In support of its request, Petitioner states as follows:

1. The current briefing schedule, pursuant to the Order dated July 14, 2017 (Doc. No. 1684266), in the above-captioned matter is set as follows:

- Petitioner's Brief August 31, 2017
- Respondent's Brief October 2, 2017
- Petitioner's Reply Brief October 16, 2017
- Deferred Appendix October 23, 2017
- Final Briefs November 6, 2017

2. On September 20, 2016, this case was entered into the Mediation Program pursuant to the voluntary agreement of all parties, and Stephen Saltzburg was assigned as the mediator. On August 23, 2017, the parties reached a settlement in this case and notified the Court of the same. (Doc. No. 1689842).

3. Pursuant to the parties' agreement, a joint motion to dismiss the case will be filed at a future time following implementation of the agreement. The parties believe such compliance will be completed in the next 30 days. Accordingly, Petitioner requests a further extension of 30-days to the briefing schedule to accommodate the parties' settlement and compliance efforts. Respondent and Mediator Saltzburg concur with this request.

4. Accordingly, the Petitioner moves to continue the briefing schedule as follows:

- Petitioner's Brief October 2, 2017

- Respondent's Brief November 1, 2017
- Petitioner's Reply Brief November 15, 2017
- Deferred Appendix November 22, 2017
- Final Briefs December 6, 2017

Dated: August 24, 2017

Respectfully submitted:

LITTLER MENDELSON, P.C.  
Attorneys for Petitioner,  
Gunderson Rail Services, LLC d/b/a  
Greenbrier Rail Services

By: /s/ S. Libby Henninger

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**CERTIFICATE OF SERVICE**

I certify that on August 24, 2017, the foregoing was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or, if they are not, by serving a true and correct copy at the addresses listed below, via United States Mail:

Linda Dreeben, Esq.  
Amy Ginn, Esq.  
Robert Englehart, Esq.  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

/s/ S. Libby Henninger

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S. Libby Henninger

*Counsel for Petitioner*

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**CERTIFICATE OF COMPLIANCE WITH RULE 32(g) AS TO**  
**PETITIONER'S UNOPPOSED MOTION FOR EXTENSION OF THE**  
**BRIEFING SCHEDULE TO ACCOMMODATE COMPLIANCE WITH**  
**SETTLEMENT AGREEMENT**

I hereby certify that the Petitioner's Unopposed Motion For Extension of the Briefing Schedule to Accommodate Compliance with Settlement Agreement was submitted in Times New Roman 14-point font with a word count of 532 words, in compliance with FRAP Rule 32(g)(1).

Dated: August 24, 2017

Respectfully submitted:

LITTLER MENDELSON, P.C.  
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Gunderson Rail Services, LLC d/b/a  
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By: /s/ S. Libby Henninger

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*Counsel for Petitioner*